



## AGENDA BILL APPROVAL FORM

<b>Agenda Subject:</b> Ordinance No. 6266 - Amendments to Title 15 (Buildings & Construction)		<b>Date:</b> September 15, 2009		
<b>Department:</b> Planning, Building & Community	<b>Attachments:</b> Ordinance No. 6266	<b>Budget Impact:</b> N/A		
<b>Administrative Recommendation:</b> City Council introduce and adopt Ordinance No. 6266.				
<b>Background Summary:</b>  <p>Title 15 (Buildings &amp; Construction) of the Auburn City Code contains regulations and standards for the permitting, enforcement and oversight of building construction within the City of Auburn. ACC 15.07.050 (Permits) currently specifies limitations on the validity period and extension opportunities for building permits issued under the authority of Title 15, including but not limited to, a maximum permit period of two years with no extension opportunity. These current regulations provide the Building Official with limited authority to respond to request for building permit extensions to address client needs. There are currently a significant number of building permits previously issued by the City that will expire in 2009 and 2010. The current economic conditions are making it difficult for some permit holders to complete their projects within the allowable permit period. The City of Auburn Permit Center has received numerous requests from individuals, organizations and businesses for increased regulatory allowances to extend the validity period of previously issued building permits. The amendments contained within Ordinance No. 6266 will provide the Building Official with increased ability to assist clients in addressing their specific project needs.</p> <p>The Planning and Community Development Committee took action on Ordinance No. 6266 at its regularly scheduled September 14, 2009 meeting. The Committee passed a unanimous motion to recommend approval of Ordinance No. 6266 to the Auburn City Council.</p> <p>Ordinance No. 6266 is scheduled for review by the Public Works and Finance Committees and for possible City Council adoption on Monday, September 21, 2009.</p> <p style="text-align: left;">L0921-1 ORD 6266</p> <p style="text-align: right;">O6.0</p>				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>Reviewed by Council &amp; Committees:</b>  <input type="checkbox"/> Arts Commission  <input type="checkbox"/> Airport  <input type="checkbox"/> Hearing Examiner  <input type="checkbox"/> Human Services  <input type="checkbox"/> Park Board  <input type="checkbox"/> Planning Comm.    <b>COUNCIL COMMITTEES:</b>  <input checked="" type="checkbox"/> Finance  <input type="checkbox"/> Municipal Serv.  <input type="checkbox"/> Planning &amp; CD  <input checked="" type="checkbox"/> Public Works  <input type="checkbox"/> Other _____ </td> <td style="width: 50%; vertical-align: top;"> <b>Reviewed by Departments &amp; Divisions:</b>  <input checked="" type="checkbox"/> Building  <input type="checkbox"/> Cemetery  <input type="checkbox"/> Finance  <input type="checkbox"/> Fire  <input checked="" type="checkbox"/> Legal  <input type="checkbox"/> Public Works  <input type="checkbox"/> Information Services    <input type="checkbox"/> M&amp;O  <input type="checkbox"/> Mayor  <input type="checkbox"/> Parks  <input checked="" type="checkbox"/> Planning  <input type="checkbox"/> Police  <input type="checkbox"/> Human Resources </td> </tr> </table>			<b>Reviewed by Council &amp; Committees:</b> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input type="checkbox"/> Planning Comm.  <b>COUNCIL COMMITTEES:</b> <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input type="checkbox"/> Planning & CD <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other _____	<b>Reviewed by Departments &amp; Divisions:</b> <input checked="" type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input type="checkbox"/> Fire <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Public Works <input type="checkbox"/> Information Services  <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources
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<b>Action:</b> Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Referred to _____ Until ____/____/____ Tabled _____ Until ____/____/____				
<b>Councilmember:</b> Norman		<b>Staff:</b> Baker		
<b>Meeting Date:</b> September 21, 2009		<b>Item Number:</b> VIII.A.1		

**ORDINANCE NO. 6 2 6 6**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF AUBURN, WASHINGTON, AMENDING  
TITLE 15, BUILDINGS & CONSTRUCTION, OF THE  
AUBURN CITY CODE**

WHEREAS, by means of City of Auburn Ordinance Nos. 2856, 3288, 3609, 4368, 4378, 4502, 4566, 4754, 4774, 5683, 5874 and 6104, the Auburn City Council has amended the Auburn City Code ("ACC") to specify regulations and standards for the permitting, enforcement and oversight of building construction within the City of Auburn; and

WHEREAS, the City of Auburn has previously placed limitations on the validity period of permits and opportunities for extensions of said permits; and

WHEREAS, there are a significant number of permits previously issued by the City that will expire because of the current limitations on permit extensions; and

WHEREAS, the City of Auburn has received numerous requests from individuals, organizations and businesses for increased regulatory allowances to extend the validity period of previously issued permits; and

WHEREAS, the Auburn City Council finds that under the current economic conditions, it is in the best interest of the City to allow individuals or businesses or organizations the opportunity to extend the validity of their previously issued permits to facilitate the completion of residential, commercial, industrial and other forms of building and construction.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

**Section 1. Amendment to City Code.**

That Title 15, Buildings &

Construction, of the Auburn City Code be and the same hereby is amended to read as follows:

**15.07.050 Permits.**

A. Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

1. Fire Code Permits Required. The fire code official is authorized to issue operational permits for the operations set forth in IFC Sections 105.6.1 through 105.6.46 and is further authorized to issue construction permits for work as set forth in IFC Sections 105.7.1 through 105.7.13.

B. Work Exempt from Permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, tree-supported play structures, playhouse and similar uses, provided the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>);

2. Fences not over six feet (1,829 mm) high;

3. Oil derricks;

4. Retaining walls which are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids;

5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed two to one;

6. Sidewalks, decks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route or means of egress;

7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;

8. Temporary motion picture, television and theater stage sets and scenery;

9. Prefabricated swimming pools accessory to a one- or two-family dwelling or Group R-3 occupancy, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground;

10. Shade cloth structures constructed and used solely for nursery or agricultural purposes and not including service systems;

11. Swings, slides and other similar playground equipment;
12. Window awnings supported by an exterior wall which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3, as applicable in IBC Section 101.2, and Group U occupancies or in buildings regulated by the International Residential Code;
13. Movable cases, counters and partitions not over five feet, nine inches (1,753 mm) in height;
14. Satellite earth station antennas six and one-half feet (two meters) or less in diameter or diagonal in zones other than residential zones;
15. Satellite earth station antennas three and one-quarter feet (one meter) or less in diameter in residential zones; and
16. Video programming service antennas three and one-quarter feet (one meter) or less in diameter or diagonal dimension, regardless of zone.

Mechanical:

1. Portable heating, cooking, or clothes drying appliances.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected.

Plumbing:

1. The stopping and/or repairing of leaks in drains, water, soil, waste or vent pipe; provided, however, that should any concealed trap, drain pipe, water, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this code.
2. The clearing of stoppages.
3. Reinstallation or replacement of prefabricated fixtures that do not involve or require the replacement or rearrangement of valves or pipes.
  - a. Emergency Repairs. Where equipment replacements and equipment repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.
  - b. Repairs. Application or notice to the building official is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or

other work affecting public health or general safety.

C. Application for Permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building department for that purpose. Applications determined by the building official to be in compliance with this section shall be deemed as complete. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in ACC 15.07.060(C).
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.
8. In addition to information in subsections (C)(1) through (7) of this section, applications for permits governing construction projects costing \$5,000 or more shall also contain the following information:
  - a. The legal description, or the tax parcel number assigned pursuant to RCW 84.40.160, and the street address if available, and may include any other identification of the construction site by the prime contractor;
  - b. The property owner's name, address, and phone number;
  - c. The prime contractor's business name, address, phone number, current state contractor registration number; and
  - d. Either:
    - i. The name, address, and phone number of the office of the lender administering the interim construction financing, if any; or
    - ii. The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than 50 percent of the total amount of the construction project.
  - e. The information required on the building permit application by subsection (C)(8)(a) through (d) of this section shall be set forth on the building permit document which is issued to the owner, and on the inspection record card which shall be posted at the construction site.
  - f. The information required by subsection (C)(8) of this section and information supplied by the applicant after the permit is issued under subsection (C)(8)(g) of this section shall be kept on record in the office where building permits are issued and made available to any person on request. If a copy is requested, a reasonable charge may be made.
  - g. If any of the information required by subsection (C)(8) of this section is not available at the time the application is submitted, the applicant shall so state and the application shall be processed forthwith and the permit issued as if the information had been supplied, and the lack of the information shall not cause the application to be deemed incomplete for the purposes of vesting under this

section. However, the applicant shall provide the remaining information as soon as the applicant can reasonably obtain such information.

h. The limitations imposed by this section shall not restrict conditions imposed under Chapter 43.21C RCW (State Environmental Policy).

9. Action on Application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

10. Time Limitation of Application.

a. Applications for which no permit is issued within one year following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed in accordance with state law by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days.

b. Applications may be canceled for inactivity if an applicant fails to respond to the department's written request for revisions, corrections, actions or additional information within 90 days of the date of request. The building official may extend the response period beyond 90 days if within the original 90-day time period the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections or other information needed by the department.

c. The building official may extend the life of an application if any of the following conditions exist:

i. Compliance with the State Environmental Policy Act is in progress; or

ii. Any other city review is in progress; provided the applicant has submitted a complete response to city requests or the building official determines that unique or unusual circumstances exist that warrant additional time for such response, and the building official determines that the review is proceeding in a timely manner toward final city decision; or

iii. Litigation against the city or applicant is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application.

D. Validity of Permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

1. Every permit issued shall expire two years from the date of issuance, unless otherwise extended. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause shall be demonstrated in the written request. The applicant shall submit a written request for extension, inclusive of justifiable cause for such extension, a minimum of seven (7) days before the end of the permit validity period. There shall be no extensions allowed.

2. Every permit shall become null and void by limitation if the work on the site authorized by such permit has not commenced within 180 days after issuance, unless otherwise extended. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause shall be demonstrated in the written request. The applicant shall submit a written request for extension, inclusive of justifiable cause for such extension, a minimum of seven (7) days before the end of the permit validity period.

3. Every permit shall become null and void if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced, unless otherwise extended. The building official shall determine that work has been suspended or abandoned if more than 180 days have passed from the approval date of a required inspection and work has not legitimately progressed to the point of calling for the next listed required inspection noted under ACC 15.07.090(D). The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause shall be demonstrated in the written request. The applicant shall submit a written request for extension, inclusive of justifiable cause for such extension, a minimum of seven (7) days before the end of the permit validity period.

F. Suspension or Revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code. Conditional permits may be revoked for failure to comply with applicable conditions.

G. Placement of Permit. The building permit or copy shall be kept on the site of the work until the completion of the project. (Ord. 6104 § 4, 2007; Ord. 5874 § 4(105), 2004.)

**Section 2. Applicability to Previously Issued Permits.** The amendments to the Auburn City Code contained herein shall be applicable to permits previously issued by the City.

**Section 3. Implementation.** The Mayor is hereby authorized to

implement such administrative procedures as may be necessary to carry out the directions of this legislation.

**Section 4. Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

**Section 5. Effective date.** This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: \_\_\_\_\_

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

**CITY OF AUBURN**

\_\_\_\_\_  
PETER B. LEWIS  
MAYOR

ATTEST:

\_\_\_\_\_  
Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Daniel B. Heid, City Attorney

Published: \_\_\_\_\_